

**REMARKS**

Claims 11-24 are pending with claim 11 and 21 being independent. Reconsideration and allowance of this application are respectfully requested.

**Examiner Interview**

Applicant thanks Examiner Fischetti for the interview conducted with Applicant's representative, John Phillips, on January 10, 2007. An agreement was reached concerning Examiner's request for information under 37 C.F.R. § 1.105. Examiner Fischetti agreed that the requested information may be submitted on a CD-ROM.

With respect to the information requested under item 1, it was agreed that submitting copies of documents related to AuctionWeb (a precursor to eBay), MercExchange's interrogatories to eBay and eBay's responses to the interrogatories will satisfy the requirement. With respect to the information requested under item 2, Examiner Fischetti withdrew the requirement. With respect to information requested under item 3, it was agreed that submitting copies of transcripts of depositions submitted in the '051 reexamination will satisfy the requirement. With respect to the information requested under item 4, Applicant agreed to submit a marked-up copy of the parent application 08/427,820.

In addition, an agreement was reached that the Applicant will submit a request to change the election of claims to the method claims 11-20 and 23-24 instead of the previously elected system claims 21 and 22.

**Request for Information Under 37 C.F.R. § 1.105**

Consistent with the agreement reached during the interview conducted on January 10, 2007, the following documents are submitted as listed on the attached form 1449 and recorded on the attached CD-ROM. In addition, it should be noted that the following documents are already of record in the '051 reexamination (Reexamination Application No. 90/006,984.)

1. A marked-up copy of application 08/427,820.

Original App.pdf

CIP App.pdf

Delta file showing the change from Original to CIP.pdf (Note: the delta file is computer generated and Applicant does not make any representation regarding the accuracy of the file.)

2. AuctionWeb Information

AuctionWeb Billing Information.pdf

AuctionWeb Create Account.pdf

AuctionWeb FAQ.pdf

AuctionWeb Listings - Computer Software - Macintosh (Last Updated 10-26-97).pdf

AuctionWeb Listings Photography Video Equipment (Last Updated 10-26-97).pdf

AuctionWeb User Feedback.pdf

AuctionWeb Welcome and eBay.pdf

AuctionWeb Welcome to eBay.pdf

AuctionWeb Welcome.pdf

eBay Photo & Electronics - April 1998.pdf

Google Group listing of AuctionWeb.pdf

Google Group listing of ebay webmail.pdf

Google Group listing of e-mail from Pierre Omidyar.pdf

Google Group listing of search for AuctionWeb.pdf

Google Group listing of search for eBay and AuctionWeb.pdf

NCSA Archives for eBay.pdf

3. Transcripts from Depositions

Transcript from Continued Deposition of Nicholas Joseph Magliato.pdf

Transcript from Continued Deposition of Lawrence Snapp.pdf

Transcript from Deposition of Alan Fisher Vol. I.pdf

Transcript from Deposition of Alan Fisher. Vol. II.pdf

Transcript from Deposition of Alfred C. Weaver, Ph.D.pdf  
Transcript from Deposition of Cameron McEachern.pdf  
Transcript from Deposition of Choy Heng-Wah.pdf  
Transcript from Deposition of Greg Scharer.pdf  
Transcript from Deposition of Jason Robert Surratt.pdf  
Transcript from Deposition of Jay Mintz.pdf.pdf  
Transcript from Deposition of Jerry Kaplan.pdf  
Transcript from Deposition of Jonathan W. Palmer, Ph.D.pdf  
Transcript from Deposition of Jonathan W. Palmer.pdf  
Transcript from Deposition of Keith M. Basil.pdf  
Transcript from Deposition of Kenneth Maxwell.pdf  
Transcript from Deposition of Larry W. Evans.pdf  
Transcript from Deposition of Lawrence Snapp.pdf  
Transcript from Deposition of Mark Borghi.pdf  
Transcript from Deposition of Mark DiMaggio.pdf  
Transcript from Deposition of Martin Adelman.pdf  
Transcript from Deposition of Michael Caputo.pdf  
Transcript from Deposition of Michael Luther.pdf  
Transcript from Deposition of Michael Nardella.pdf  
Transcript from Deposition of Nicholas Joseph Magliato.pdf  
Transcript from Deposition of Ophir Frieder.pdf  
Transcript from Deposition of Paul Thomas Ryan.pdf  
Transcript from Deposition of Perry Blankley.pdf  
Transcript from Deposition of Pierre Omidyar.pdf  
Transcript from Deposition of Q. Todd Dickinson.pdf  
Transcript from Deposition of Richard B. Troxel.pdf  
Transcript from Deposition of Thomas Woolston.pdf  
Transcript from Deposition of William Jackson Matney, JR.pdf  
Transcript from Video Deposition of Alfred C. Weaver.pdf  
Transcript from Video Deposition of John Phillips Vol. I.pdf  
Transcript from Video Deposition of John Phillips Vol. II.pdf

Transcript from Video Deposition of Joseph Petsick.pdf

Transcript from Video Deposition of Q. Todd Dickinson Vol. II.pdf

Transcript from Video Deposition of Thomas Woolston Vol. I.pdf

Transcript from Video Deposition of Thomas Woolston Vol. II.pdf

Transcript from Video Deposition of Thomas Woolston Vol. III.pdf

4. Information on Interrogatories

MercExchange's Interrogatories to eBay.pdf

eBay's response to MercExchange's Interrogatories.pdf

eBay's second response to MercExchange's Interrogatories.pdf

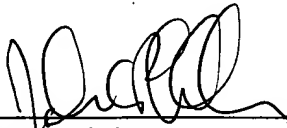
**Request to Elect the Method Claims 11-20 and 23-24**

Applicant requests election of the method claims 11-20 and 23-24 instead of the system claims 21 and 22. Reconsideration and allowance of the newly elected method claims are respectfully requested.

Please apply one month extension fee of \$60 and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: January 23, 2007

  
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John C. Phillips  
Reg. No. 35,322

Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

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